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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,643	09/29/2004	Hengning Wu		5642

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HENGNING WU
11627 NORTH SHORE DR. 2B
RESTON, VA 20190

EXAMINER

BEAULIEU, YONEL

ART UNIT PAPER NUMBER

3661

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/711,643

Applicant(s)

WU, HENGNING

Examiner

Yonel Beaulieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 5-10 is/are rejected.
- 7) ☒ Claim(s) 2-4 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, and 7 – 10 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,108,052 to Malewicki et al. (“Malewicki”).

Regarding claims 1, 5, and 7 - 10, Malewicki teaches a transportation method and system (figs. 1-2) for moving passengers and freight (col. 2 and col. 4, lines 60 – 61, respectively), comprising: a track network comprising a pair of side rails (115) and a central rail (70); a plurality of vehicles (80; abstract at least), each said vehicle having a body (90; col. 5, lines 7 – 8), a plurality of wheels (100) engaged on said side rails for supporting and moving the vehicle a plurality of guiding wheels engaged on said central rail for centering the vehicle on the track (col. 5, lines 3 – 10 at least); an identification means for providing vehicle identification information (ISD; abstract; col. 3, lines 28 – 30; col. 5, lines 31 – 45); a distance sensor for measuring distance and speed (acceleration) of object in front of the vehicle (col. 4, lines 5 – 24); a plurality of stops and stations for loading and unloading (col. 4, lines 61 – 65; a plurality of wayside control systems (175) for detecting vehicle identification information and controlling switches on the network (col. 5, lines 32 – 45; a central control system for user registration and for controlling traffic flow (col. 6, lines 1 – 15); a communication network

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(120); the vehicle comprising an input panel for inputting destination whereby passengers can change their destination during a trip (abstract; col. 5, lines 13 – 21 at least); a user account information (when read from ATMs on platforms 30) and an LCD display (col. 4, line 61 – col. 5, line 2 and col. 5, lines 17 – 22). The central rail further comprises a plurality of movable sections for switching the direction of vehicles on the track network (col. 6, lines 1 – 18 at least).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Malewicki ('052).

As discussed above, Malewicki teaches all of the limitations except for the system comprising a plurality of automatic parking facilities having carriers for moving the vehicles to a parking position and retracting the vehicles from the parking position.

However, Malewicki does control when and where the vehicles are dispatched based on passenger demand under the control of a master control and data processing computer (note col. 3, lines 39 – 49 and col. 5, lines 46 – 59 at least); such a teaching

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suggests, depending on the demand, that the vehicles are parked and retracted from parking position. It would have been obvious to one of ordinary skill in the art at the time of the invention Malewicki's teaching is at least fully functionally equivalent to the claimed invention because all of the structural features are taught by Malewicki in order to achieve the same end result of moving passengers and freight.

Allowable Subject Matter

Claims 2 - 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yonel Beaulieu whose telephone number is (571) 272-6955. The examiner can normally be reached on Mon., Wed. & Thur. between 0900 and 1600.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas BLACK can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Yonel Beaulieu
Primary Examiner
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